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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR: J. Beintner et al.) EXAMINER: F. Erdem
S)
SERIAL NO.: 10/707,754) ART UNIT: 2826
F)
FILING DATE: January 9, 2004) DATE: August 26, 2004
FOR: Nitrided STI Liner Oxide for)
Reduced Corner Device Impact)
on Vertical Device Performance)

RESPONSE TO RESTRICTION REQUIREMENT**CERTIFICATE OF MAILING**

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-450

I hereby certify that this correspondence is being deposited with the
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By: Barbara Browne Date: August 26, 2004

Signature:

Dear Sir:

Responsive to the Office Action mailed August 10, 2004, and the restriction requirement made therein, applicants provisionally elect Group I, claims 1-14, drawn to a semiconductor device, for continued examination herein.

Applicants traverse the restriction requirement on the grounds that 35 USC § 121 authorizes restriction only when the claimed invention is "independent and distinct" (emphasis added). A search of the subject matter of Group I, claims 1-14, drawn to a semiconductor device would necessarily require a search of the subject matter of Group II, claims 15-31, drawn to a method of making a semiconductor device. Thus the method delineated in Group II is not directed to an independent and distinct matter.

Respectfully submitted,

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